

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2006-371-C - ORDER NO. 2006-777
DECEMBER 15, 2006

IN RE: Petition of BellSouth Telecommunications,) STANDING PROTECTIVE
Inc. for Standing Protective Order Regarding) ORDER
Information Submitted Pursuant to)
Commission Regulation 103-614.)

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Petition of BellSouth Telecommunications, Inc. (BellSouth or the Company) for a standing protective order regarding information submitted pursuant to Commission Regulation 103-614.

BellSouth states in its Petition that Commission Regulation 103-614 (26 S.C. Code Ann. Regs. 103-614 (Supp. 2005)) requires telephone utilities to maintain designated information related to certain service interruptions. If such an interruption exceeds one hour, the telephone utility is required to notify the Commission of the interruption and to submit to the Commission a copy of any written report submitted to any federal jurisdictional utility. BellSouth notes that the Federal Communications Commission (FCC) affords proprietary and confidential treatment to the type of information addressed by Regulation 103-614. In fact, the FCC has determined that disclosure of outage reporting information to the public could present an unacceptable risk of more effective terrorist activity. See Report and Order and Further Notice of

Proposed Rule Making, *In the Matter of New Part 4 of the Commission's Rules concerning Disruptions to Communications*, FCC Order No. 04-188 in ET Docket No. 04-35 at Paragraph 3 (August 19, 2004).

BellSouth notes that this Commission has agreed with the FCC's position on this matter, and in the past, has issued orders granting proprietary and confidential treatment to information submitted pursuant to Regulation 103-614 on a case-by-case basis. The Company asserts that this case-by-case approach requires telephone utilities to prepare and file a request for confidential treatment each time such information is submitted to the Commission. This, in turn, requires the Commission to separately docket, decide, and issue an order addressing each request. BellSouth submits that it would be more efficient and less costly for all involved if the Commission were to enter a standing protective order addressing the matter.

Accordingly, BellSouth requests that this Commission enter a standing order granting confidential and proprietary treatment of information submitted pursuant to Commission Regulation 103-614. We agree with the positions espoused by the FCC and BellSouth, and note that Embarq Corporation has also submitted a letter supporting BellSouth's request. We therefore herein issue the requested standing order, and note that it will apply to both the present Regulation 103-614 and to the presently proposed future Regulation 103-614, which contains non-substantive changes, if said future regulation is adopted by the General Assembly.

Therefore, we hold the following:

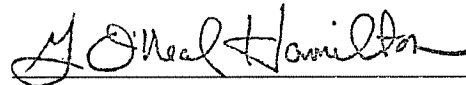
1. Information that a telephone utility is required to maintain and submit pursuant to Commission Regulation 103-614 should be afforded confidential and proprietary treatment.

2. When required to submit information to the Commission pursuant to Commission Regulation 103-614, a telephone utility shall submit: (a) a proprietary, unredacted copy of the information in a sealed envelope with each page marked “Confidential” in red ink, or with markings that are reasonably calculated to alert custodians of the materials to their confidential or proprietary nature; and (b) a public copy of the information that redacts the specific information that is entitled to confidential and proprietary treatment. The proprietary copy shall not be available for public inspection, and the public copy shall be available for public inspection.

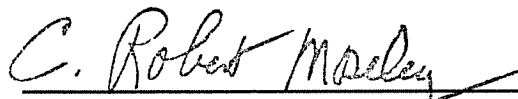
3. Persons or entities may apply to the Commission for a ruling that materials designated as proprietary pursuant to this Order are not entitled to such status and protection from public disclosure. In that event, the party that designated the materials as proprietary shall be given notice of the application and a reasonable opportunity to respond. The materials that are subject to such an application shall continue to be protected from public disclosure unless the Commission enters an Order to the contrary.

4. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:


G. O'Neal Hamilton, Chairman

ATTEST:


C. Robert Moseley, Vice Chairman

(SEAL)